

REMARKS

Claims 1-20 are pending. Claim 1 has been amended.

Rejections under 35 U.S.C. § 103

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,862,481 to Kulkarni et al. ("Kulkarni") in view of U.S. Patent No. 5,933,784 to Gallagher et al. ("Gallagher"). It is submitted that the Office action does not factually support a prima facie case of obviousness based on Kulkarni and Gallagher for the following reasons.

A. Even when combined, the references fail to teach or suggest all claim elements

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness."

Claims 1-8

As amended, claim 1 recites, in part, a wireless media gateway (WMG) implemented in the first network connected to at least one mobile switching center (MSC) of the first network, and a wireless switch device (WS) implemented in the second network connected to the at least one MSC in the first network without using the WMG, the WMG, and a service management subsystem for the wireless network service in the second network.

As stated in the Office action, because Kulkarni fails to teach a wireless media gateway (WMG) implemented in a first network connected to at least one mobile switching center (MSC) of the first network, and a wireless switch device (WS) implemented in the second network connected to the at least one MSC in the first network, Kulkarni is combined with Gallagher. However, Gallagher fails to supply the deficiencies of Kulkarni.

More specifically, the combination of Kulkarni and Gallagher fails to teach or suggest a wireless switch device (WS) implemented in the second network connected to the at least one MSC in the first network without using the WMG, the WMG, and a service management subsystem for the wireless network service in the second network. The Examiner relies on Gallagher to teach "a wireless switch device (HLR, 204) of the second network (DCS1900 (GSM) home system) connected to the at least one MSC (106) in the first network through signaling network (108)." However, a reading of the associated text of Gallagher reveals that

"[t]he signaling gateway receives signals transmitted by the home system's HLR 110B and signals transmitted by the MSC/VLR 106A-B of the visited system." (col. 5, lines 29-32). The following text of Gallagher (e.g., col. 5, line 32 – col. 6, line 4), as well as Figs. 5a, 5b, and 8, illustrate how "[c]ommunication signals that are transmitted from a first communication system to a second communication system and transmitted from the second network to the first network are received and transmitted by the signaling gateway." (Abstract). In fact, Fig. 5a clearly illustrates a scenario where the HLR 110B (NTWK Type A) communicates through the gate unit 202 with a different network type (MSC/VLR 106A – NTWK Type B) and only bypasses the gate unit when communicating with an MSC of a compatible network type (MSC/VLR 106C – NTWK Type A).

As the combination of Kulkarni and Gallagher fails to teach or suggest a wireless switch implemented in a second network connected to at least one MSC in an incompatible first network without using a WMG, as is recited in amended claim 1, the combination fails to meet the standard presented by MPEP § 2143 which, as stated above, requires that the combined prior art references must teach or suggest all the claim limitations to establish a prima facie case of obviousness. Accordingly, claim 1 is allowable. Claims 2-8 depend from and further limit claim 1 and are allowable over the combination of Kulkarni and Gallagher for at least the same reasons as noted above with respect to claim 1.

Claims 9 and 10

Claim 9 recites, in part, an interface device implemented in at least one mobile switching center (MSC) of the second network enabling the MSC in the second network to communicate with at least one MSC in the first network. The cited text of Kulkarni and Gallagher, whether taken singly or in combination, fails to teach or suggest an interface device implemented in at least one mobile switching center (MSC) of the second network enabling the MSC in the second network to communicate with at least one MSC in the first network. As the combination fails to meet the standard presented by MPEP § 2143, claim 9 is allowable. Claim 10 depends from and further limits claim 9 and is allowable for at least the same reason as claim 1.

Claims 11-17

Claim 11 recites, in part, first and second control devices, wherein the first and second control devices communicate with each other using a predetermined protocol independent of the network technology used by either the first and the second network.

As stated in the Office action, because Kulkarni does not teach that the first and second control devices communicate with each other using a predetermined protocol independent of the network technology used by either the first and the second network, Kulkarni is combined with Gallagher. However, Gallagher fails to supply the deficiencies of Kulkarni. The Office action relies on column 5, lines 12-13 (SS7 Signaling Network 108, and lines 25-41, the gateway 202 and unit 206. (Office action, p. 7). Applicant respectfully submits Gallagher fails to teach or suggest the above recited element of claim 11, as Gallagher describes that "[c]ommunication signals that are transmitted from a first communication system to a second communication system and transmitted from the second network to the first network are received and transmitted by the signaling gateway." (Abstract). More specifically, "the visited system MSC/VLR 106A transmits signals to the gateway HLR unit 204 and receives signal from the gateway HLR unit 204 as if the gateway HLR unit were the HLR in the home system. ... [T]he home system HLR 110B transmits signals to the gateway VLR unit 208 and receives signal from the gateway VLR unit 208 as if the gateway VLR unit were the VLR in the MSC/VLR 106A of the visited system." (col. 5, line 56 – col. 6, line 4) (emphasis added). Accordingly, the cited text of Gallagher clearly fails to teach or suggest first and second control devices communicating with each other using a predetermined protocol independent of the network technology used by either the first and the second network, as is required by MPEP § 2143.

As the combination fails to meet the standard presented by MPEP § 2143, claim 11 is allowable. Claims 12-17 depend from and further limit claim 11 and are allowable for at least the same reason as claim 11.

Claims 18-20

Claim 18 recites, in part, first and second control devices that communicate with each other using a predetermined protocol independent of the network technology used by either the first and the second network.

As discussed above with respect to claim 11, the combination of Kulkarni and Gallagher fails to teach or suggest such a limitation as required by MPEP § 2143. Accordingly, claim 18 is allowable over the cited references. Claims 19 and 20 depend from and further limit claim 18 and are allowable for at least the same reason as claim 18.

B. There is no motivation to combine the references

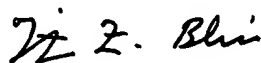
Furthermore, even if Kulkarni and Gallagher were properly combinable (which they clearly are not, as described above), the case law is clear that there must be evidence that a

skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. It is also clear that a rejection cannot be predicated on the mere identification of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *Ecolochem Inc. v. Southern California Edison*, 56 USPQ2d 1065, 1076 (Fed. Cir. 2000) (emphasis added). Here, the Examiner has submitted no evidence or particular findings to support his conclusion as required. Therefore, the combination of references is improper and claims 1-20 are allowable over the cited art.

Conclusion

It is clear from the foregoing that independent claims 1, 9, 11, and 18 are in condition for allowance. Dependent claims 2-8, 10, 12-17, 19, and 20 depend from and further limit their respective independent claims and, therefore, are allowable as well. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

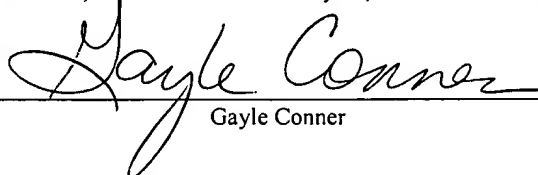
Respectfully submitted,



Timothy F. Bliss
Registration No. 50,925

Date: July 19, 2004
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972-739-8638
Facsimile: 972-692-9101
R-79857

This paper and fee are being deposited with the U.S. Postal Service as Express Mail No. EV334578887US to Addressee service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 19, 2004.


Gayle Conner